

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JOSEPH DIBENEDETTO,**

**Plaintiff,**

**v.**

**AT&T SERVICES, INC.,**

**Defendant.**

**CIVIL ACTION FILE  
NO. 1:21-CV-4527-MHC-RDC**

**ORDER**

This matter is before the Court on the Non-Final Report and Recommendation (“R&R”) of the Magistrate Judge [Doc. 15] recommending that Defendants’ Motion to Dismiss Plaintiff’s Complaint [Doc. 4] be denied. The Order for Service of the Final R&R [Doc. 16] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections have been filed to the R&R within the time permitted.

Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in

accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

The Court **APPROVES AND ADOPTS** the Non-Final Report and Recommendation [Doc. 15] as the Opinion and Order of the Court. It is hereby **ORDERED** that Defendants' Motion to Dismiss Plaintiff's Complaint [Doc. 4] is **DENIED**.

**IT IS SO ORDERED** this 6th day of June, 2022.



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MARK H. COHEN  
United States District Judge